

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14548, of Lloyd C. Smith, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12) and the lot occupancy requirements (Sub-section 3303.1) to construct a carport in an R-4 District at premises 600 Irving Street, N.W., (Square 3052, Lot 128).

HEARING DATE: January 28, 1987  
DECISION DATE: January 28, 1987 (BENCH DECISION)

FINDINGS OF FACT:

1. The site, known as premises 600 Irving Street, N.W. is located on the south side of Irving Street between Georgia Avenue and Warder Street. The site is located in an R-4 District.

2. The site is rectangular in shape with a frontage of 15.93 feet along Irving Street and a depth of 98.375 feet. A 20 foot wide public alley is located to the rear of the site.

3. The site is improved with a two-story brick row dwelling constructed prior to May 12, 1958, the effective date of the current Zoning Regulations on that date the structure became nonconforming as to lot occupancy and lot size.

4. The R-4 District extends in all directions from the site. The neighborhood is improved primarily with row dwellings.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12) and the lot occupancy requirements (Sub-section 3303.1) to construct a carport at the rear of the structure.

6. Access to the carport will be provided by the public alley. The carport will consist of walls on each side of the rear of the property, a slab and an automatic garage door at the rear lot line.

7. The carport will be used for parking and protection of vehicles owned by the occupants of the dwelling.

8. Parking on the street in the 400, 500, 600 and 700 blocks of Irving Street and the adjacent parallel streets of Columbia Road and Kenyon Street is limited to one side of the street. Available parking spaces are very limited.

9. Structures similar to the proposed carport are located on many sites in the vicinity of the subject site.

10. The Chairperson of Advisory Neighborhood Commission (ANC) 1A by letter dated January 21, 1987, reported that after discussion by telephone with the majority of the commissioners an agreement was reached that the applicant should not be denied the opportunity to construct a carport at the site.

11. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Section 3303.1 of the Zoning Regulations allows a lot occupancy of 60 percent or 934.07 square feet for the site. The structure now occupies 1,035.49 square feet. Paragraph 7105.12 provides that enlargements or additions may be made to nonconforming structures provided such structures is conforming as to percentage of lot occupancy. The proposed carport will consist of 157.20 square feet resulting in a total lot occupancy of 1,192.65 feet necessitating a variance of 258.58 square feet, or 27.68 percent.

The Board concludes that the applicant has met the burden of proof. The existing structure is nonconforming. Also, the existing lot area is nonconforming being smaller than that now required. The site cannot be enlarged as both adjacent properties are improved. The Board notes that the addition is of minimal size and is intended to provide a secure parking site for the applicant and/or his family.

The Board further notes the lack of opposition to the application. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant;  
Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: APR 3 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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